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U.S. DISTRICT COURT

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DISTRICT OF UTAH

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
DIVISION

JAN 08 2019

U.S. DISTRICT COURT

HEIDI PGF KEILBAUGH

(Full Name)

PLAINTIFF

vs.

SLC Police Department

DEFENDANTS

CIVIL RIGHTS COMPLAINT

(42 U.S.C §1983, §1985)

Case: 2:19-cv-00017

Assigned To : Parrish, Jill N.

Assign. Date : 1/8/2019

Description: Keilbaugh v. Salt Lake  
City Police Department et al

A. JURISDICTION

1. Jurisdiction is proper in this court according to:

- a. ☒ 42 U.S.C. §1983  
b. ☐ 42 U.S.C. §1985  
c. ☐ Other (Please Specify) \_\_\_\_\_

2. NAME OF PLAINTIFF HEIDI KEILBAUGH  
IS A CITIZEN OF THE STATE OF UTAH

PRESENT MAILING ADDRESS: 584 E 3rd AVE  
SLC UT 84103

3. NAME OF FIRST DEFENDANT Officer Matthew Taylor <sup>2</sup>  
IS A CITIZEN OF SALT LAKE CITY, Utah  
(City and State)
- IS EMPLOYED AS Police Officer at SLCPD  
(Position and Title if Any) (Organization)
- Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐. If your answer is "YES" briefly explain.

Officer Taylor used excessive force and shot  
James Dudley Barker resulting in death on  
JAN. 8<sup>th</sup> 2015.

4. NAME OF SECOND DEFENDANT Chief of Police SLCPD <sup>3</sup>  
(If applicable) Chief Burbank

IS A CITIZEN OF SALT LAKE CITY, Utah  
(City and State)

IS EMPLOYED AS Chief of Police at SLC.P.D.  
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐. If your answer is "YES" briefly explain.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. NAME OF THIRD DEFENDANT SLC.P.D. Salt Lake City Police Department <sup>1</sup>  
(If applicable)

IS A CITIZEN OF SALT LAKE CITY, UTAH  
(City and State)

IS EMPLOYED AS \_\_\_\_\_ at SLC.P.D.  
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES \_\_\_ NO \_\_\_. If your answer is "YES" briefly explain.

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6. NAME OF FOURTH DEFENDANT \_\_\_\_\_  
(If applicable)

IS A CITIZEN OF \_\_\_\_\_  
(city and State)

IS EMPLOYED AS \_\_\_\_\_ at \_\_\_\_\_.  
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES \_\_\_ NO \_\_\_. If your answer is "YES" briefly explain.

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(Use additional sheets of paper if necessary.)

**B. NATURE OF CASE**

1. Why are you bringing this case to court? Please explain the circumstances that led to the problem.

JAMES D. BARKER was shoveling  
ice off walkways by our home when officer  
matthew taylor used excessive force and shot  
JAMES D. BARKER resulting in death on  
JANUARY 8<sup>th</sup> 2015

C. CAUSE OF ACTION

1. I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

a. (1) Count I: Excessive use of Force

- (2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing legal authority or arguments.)

The officer did not properly use his training, or WAS NOT trained in identifying a mental health disability, AND did not use de escalation to resolve the benign situation.

b. (1) Count II: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

- (2) Supporting Facts: ① OFFICER John DOE A AND OFFICER John DOE B would not

let me near my beloveds body after

they shot and killed James, when they knew or should-

have known that this would cause extreme emotional distress ② Chief of Police Provided false information to the Public including false claims of broken limbs, homelessness and edited Body Cam Footage.

c. (1) Count III: \_\_\_\_\_

(2) Supporting Facts: \_\_\_\_\_

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**D. INJURY**

1. How have you been injured by the actions of the defendant(s)?

I have PTSD from this event  
I have fallen into financial difficulty  
I have incurred extreme emotional distress.  
I have lost JAMES D. BARKER forever.

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**E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF**

1. Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action or otherwise relate to the conditions of your imprisonment?  
YES \_\_\_\_\_ / NO X. If your answer is "YES," describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

a. Parties to previous lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

b. Name of court and case or docket number: \_\_\_\_\_

c. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

d. Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e. When did you file the lawsuit? \_\_\_\_\_  
Date Month Year

f. When was it (will it be) decided? \_\_\_\_\_

2. Have you previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C? YES \_\_\_ / NO X. If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.

\_\_\_\_\_  
NONE known  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### F. REQUEST FOR RELIEF

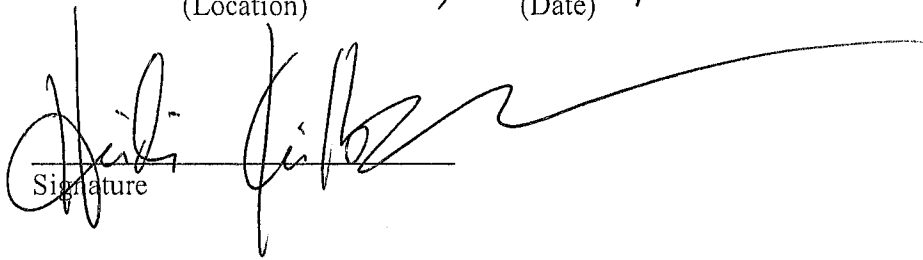
1. I believe that I am entitled to the following relief:

\_\_\_\_\_  
A monetary Award in an  
\_\_\_\_\_  
Amount to be determined and  
\_\_\_\_\_  
Appropriated by a Jury.  
\_\_\_\_\_  
\_\_\_\_\_

**DECLARATION UNDER PENALTY OF PERJURY**

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint, and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C. §1621.

Executed at SALT LAKE CITY on January 8 2019.  
(Location) (Date)

  
Signature